

**Effective 5/13/2014**

**13-34-113 Denial, suspension, or revocation of a certificate of registration -- Limitations.**

- (1) In accordance with Chapter 2, Division of Consumer Protection, and Title 63G, Chapter 4, Administrative Procedures Act, the division may initiate proceedings to deny, suspend, or revoke a certificate of registration to operate a proprietary school under this chapter if:
  - (a) the division finds that the order is in the public interest; and
  - (b)
    - (i) the registration statement or renewal statement is incomplete, false, or misleading in any respect;
    - (ii) the division determines that the educational credential associated with the proprietary school represents the undertaking or completion of educational achievement that has not been undertaken and earned; or
    - (iii) the proprietary school or an individual described in Subsection 13-34-107(2)(a)(ii)(B) has:
      - (A) violated any provision of:
        - (I) this chapter;
        - (II) the rules made by the division pursuant to this chapter; or
        - (III) a commitment made in a registration statement for a certificate of registration to operate the proprietary school;
      - (B) caused or allowed to occur a violation of any provision of:
        - (I) this chapter;
        - (II) the rules made by the division pursuant to this chapter; or
        - (III) a commitment made in a registration statement for a certificate of registration to operate the proprietary school;
      - (C) been enjoined by any court, or is the subject of an administrative or judicial order issued in this or another state, if the injunction or order:
        - (I) includes a finding or admission of fraud, breach of fiduciary duty, or material misrepresentation; or
        - (II) was based on a finding of lack of integrity, truthfulness, or mental competence;
      - (D) been convicted of a crime involving moral turpitude;
      - (E) obtained or attempted to obtain a certificate of registration under this chapter by misrepresentation;
      - (F) failed to timely file with the division any report required by:
        - (I) this chapter; or
        - (II) rules made by the division pursuant to this chapter;
      - (G) failed to furnish information requested by the division; or
      - (H) failed to pay an administrative fine imposed by the division in accordance with this chapter.
- (2) Division staff may place reasonable limits upon a proprietary school's continued certificate of registration to operate if:
  - (a) there are serious concerns about the proprietary school's ability to provide the training in the manner approved by the division; and
  - (b) limitation is warranted to protect the students' interests.
- (3)
  - (a) The division may require an individual described in Subsection 13-34-107(2)(a)(ii)(B) to:
    - (i) submit a fingerprint card in a form acceptable to the division; and
    - (ii) consent to a criminal background check by:
      - (A) the Federal Bureau of Investigation;
      - (B) the Utah Bureau of Criminal Identification; or

- (C) another agency of any state that performs criminal background checks.
- (b) The proprietary school or the individual who is subject to the background check shall pay the cost of:
  - (i) the fingerprint card described in Subsection (3)(a)(i); and
  - (ii) the criminal background check.

Amended by Chapter 360, 2014 General Session